

**UNITED STATES DISTRICT COURT  
FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA**

|                          |   |                                   |
|--------------------------|---|-----------------------------------|
| PAMELA CLEMENTONI,       | ) |                                   |
|                          | ) |                                   |
| Plaintiff                | ) |                                   |
|                          | ) |                                   |
| v.                       | ) | <b>Case No.: 4:12-cv-00936-YK</b> |
|                          | ) |                                   |
| ALLIED INTERSTATE, INC., | ) | <b>(Judge Yvette Kane)</b>        |
|                          | ) |                                   |
| Defendant                | ) |                                   |

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**MOTION TO STRIKE DEFENDANT’S SECOND, THIRD, FOURTH,  
SIXTH, SEVENTH, NINTH, FOURTEENTH, FIFTEENTH, SIXTEENTH,  
SEVENTEENTH, EIGHTEENTH, TWENTIETH AND TWENTY-FIRST  
AFFIRMATIVE DEFENSES**

Plaintiff, Pamela Clementoni, by and through her counsel, Kimmel & Silverman, P.C., hereby moves this Honorable Court for an Order striking certain of Defendant’s, Allied Interstate, Inc., Affirmative Defenses contained in its Answer pursuant to Fed. R. Civ. P. 12(f). In support of said Motion, Plaintiff states the following:

1. Plaintiff filed her Complaint against Defendant on May 18, 2012, alleging violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* See Dkt. No. 1.
2. In response, Defendant filed an Answer, setting forth twenty-one (21) affirmative Defenses. See Dkt. No. 7.

3. Plaintiff challenges and moves to strike certain of Defendant's affirmative defenses, specifically Defendant's Second, Third, Fourth, Sixth, Seventh, Eighth, Ninth, Fourteenth, Fifteenth, Sixteenth, Seventeen, Eighteenth, Twentieth and Twenty-first Affirmative Defenses.

4. Defendant's Second, Fourth, Seventh, Ninth, Fourteenth, Fifteenth, Sixteenth, Seventeenth and Twenty-first Affirmative Defenses are legally insufficient under any set of facts, and therefore should be stricken.

5. Defendant's Third, Sixth, Eighth and Twentieth Affirmative Defenses fail to meet the requirements of the Federal Rules of Civil Procedure because they are factually insufficient, and therefore should be stricken.

6. Defendant's Eighteenth Affirmative Defense is not a proper affirmative defense, as it is nothing more than a mere denial, and therefore should be stricken.

WHEREFORE, Plaintiff respectfully requests this Honorable Court to strike Defendant's Second, Third, Fourth, Sixth, Seventh, Eighth, Ninth, Fourteenth, Fifteenth, Sixteenth, Seventeen, Eighteenth, Twentieth and Twenty-first Affirmative Defenses for the reasons set forth above and those reasons more fully set forth in Plaintiff's Memorandum of Law in Support of this Motion

DATED: 08/08/2012

RESPECTFULLY SUBMITTED,  
KIMMEL & SILVERMAN, P.C.

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